

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESEE

July 12, 2001

IN RE:

PETITION OF MCI WORLDCOM, INC.
TO ENFORCE INTERCONNECTION AGREEMENT
WITH BELL SOUTH TELECOMMUNICATIONS, INC.

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DOCKET NO.
99-00662

ORDER

This matter came before the Tennessee Regulatory Authority at a regularly scheduled Authority Conference held on July 10, 2001 for consideration of the request of MCI metro Access Transmission Services, Inc. ("MCI metro") that BellSouth Telecommunications, Inc. ("BellSouth") be directed to comply with the Initial Order (the "Initial Order") of the Hearing Officer in this matter, which was entered on June 15, 2001.

MCI metro's Request

The Initial Order contains an order that "BellSouth shall **immediately** pay MCI metro any reciprocal compensation payments due for ISP-bound traffic which it has withheld."¹ On July 2, 2001, MCI metro filed a Petition for Review of the Initial Order. On July 6, 2001, MCI metro filed a Withdrawal of Petition for Review and Request for Enforcement of Final Order (the "Withdrawal"). In its Withdrawal, MCI metro states:

In order to bring this matter to a close and expedite enforcement of the Initial Order, MCI metro has decided to withdraw its Petition for Appeal. The Initial Order therefore now becomes the "Final Order" of the agency as provided in T.C.A. § 4-5-310(b) and as stated in the Initial Order.²

¹ *Initial Order of Hearing Officer on the Merits*, Docket No. 99-00662 (June 15, 2001), p. 30 (Emphasis provided). ISPs are Internet service providers.

² Withdrawal of Petition for Review and Request for Enforcement of Final Order, Docket No. 99-00662, July 6, 2001, p. 2.

MCImetro further states in its Withdrawal:

MCImetro further requests that the Authority direct BellSouth to comply with the Final Order by a date certain. Although BellSouth has been ordered to make payment “immediately,” MCImetro requests that a specific deadline should be established so that there will be no debate or misunderstanding by the parties – or the agency – regarding BellSouth’s compliance with the Order.³

MCImetro requests that the Authority direct BellSouth to comply with the June 15, 2001 Order by making payment to MCImetro on or before July 13, 2001.

Findings and Conclusions

This case is not the first in which the Authority has construed the reciprocal compensation provisions in a BellSouth interconnection agreement and determined that such provisions obligated BellSouth to pay reciprocal compensation for ISP-bound traffic. Regrettably, BellSouth has demonstrated a failure to make payments as directed in the Authority’s Orders reflecting such determinations, even in the absence of a stay from the Authority or from the federal district court. The Authority is concerned that with regard to the Initial Order in this matter, which is consistent with the Authority’s prior decisions on the reciprocal compensation issue, BellSouth may continue its pattern of disregard for the Authority’s Orders. The Authority deems it necessary, therefore, to emphasize that the directives contained in the Initial Order in this matter must be complied with, including the directive to make payments due MCImetro “immediately.”


With the withdrawal of MCImetro’s Petition for Review, the Initial Order is effective from the date of entry, June 15, 2001. At the July 10, 2001 Authority Conference, the Directors unanimously granted MCImetro’s request and directed BellSouth to make payment to MCImetro, as ordered in the Initial Order, on or before July 13, 2001. The Directors determined that such action is appropriate to expedite enforcement of the Initial Order and is consistent with the requirement, contained in the Initial Order, that BellSouth shall make payment to MCImetro “immediately.”

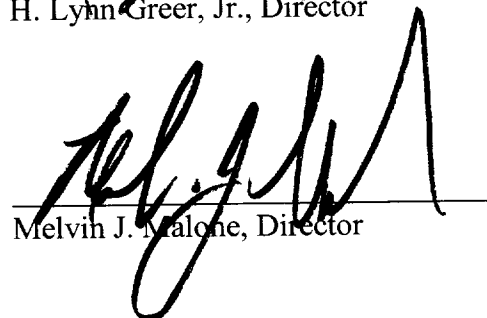
³ *Id.*

IT IS THEREFORE ORDERED THAT:

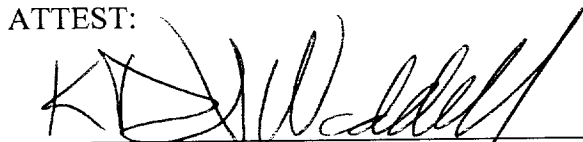
On or before July 13, 2001, BellSouth Telecommunications, Inc. shall make all payments due to MCImetro Access Transmission Services, Inc. as ordered in the Hearing Officer's Initial Order issued on June 15, 2001.


Sara Kyle, Chairman⁴


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary

⁴ Chairman Kyle voted in the affirmative for: On or before July 13, 2001, BellSouth Telecommunications, Inc. shall make all payments due to MCImetro Access Transmission Services, Inc. as ordered in the Hearing Officer's Initial Order issued on June 15, 2001.

The following commentary should not be attributed to Chairman Kyle:

Regrettably, BellSouth has demonstrated a failure to make payments as directed in the Authority's Orders reflecting such determinations, even in the absence of a stay from the Authority or from the federal district court. The Authority is concerned that with regard to the Initial Order in this matter, which is consistent with the Authority's prior decisions on the reciprocal compensation issue, BellSouth may continue its pattern of disregard for the Authority's Orders (Finding and Conclusions, page two of this order).